

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2018-282-T - ORDER NO. 2018-749
DECEMBER 7, 2018

IN RE:	Application of Encore 2K, LLC d/b/a Tiger)	ORDER GRANTING
	Tail Tuktuk for a Class C (Charter))	CLASS C CHARTER
	Certificate of Public Convenience and)	CERTIFICATE WITH
	Necessity for Operation of Motor Vehicle)	RESTRICTIONS
	Carrier)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Encore 2K, LLC d/b/a Tiger Tail Tuktuk (“Applicant”) for a Class C (Charter) Certificate of Public Convenience and Necessity. This Application is unique in the fact that the Applicant is seeking certification of a three wheeled vehicle that is only capable of low speeds.¹ ORS has reviewed this matter and does not oppose granting a restricted Class C (Charter) Certificate.

ORS states that while the “e-Tuk” vehicle is approved by the USDOT for highway use, it only has a maximum speed of 25 miles per hour. To complicate matters, the South Carolina Department of Motor Vehicles (“SCDMV”) does not consider the e-Tuk to be a “low speed vehicle,” which is defined as having four wheels.² Under South Carolina law, low speed vehicles are only allowed to operate on roads with a speed limit of 35 mph or

¹ <http://etukusa.com/gallery/>

² S.C. Code Ann. § 56-1-10(19).

less.³ ORS further states that the SCDMV has communicated that the e-Tuk is eligible for a charter limousine license plate provided that the Applicant acquires a Class C Charter Certificate. Given this eligibility, ORS recommends that, in addition to normal Class C Charter requirements, operation also be limited to secondary roads with a 40 mph or less speed limit. Therefore, the Applicant would only be allowed to operate within a radius of two miles of the corporate limits of a city or town in which the Applicant is licensed to do business and only on secondary roads where the speed limit is 40 mph or less. The Applicant does not oppose these restrictions.

IT IS THEREFORE ORDERED:

1. Given ORS's position, we approve the Application of Encore 2K, LLC d/b/a Tiger Tail Tuktuk for a Class C (Charter) Certificate with the above mentioned restrictions.

2. The Applicant shall cause to be filed with the Office of Regulatory Staff (ORS) the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 10 S.C. Code Ann. Regs. 103-100 through 103-241 (2012) of the Commission's Rules and Regulations for Motor Carriers, and 2 S.C. Code Ann. Regs. 38-400 through 38-503 (2011) of the Department of Public Safety's Rules and Regulations for Motor Carriers, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

³ S.C. Code Ann. § 56-2-100(A).

3. Upon compliance with the filing of information as required by S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 10 (2012), as amended, a Certificate shall be issued by the ORS to the Applicant authorizing the motor carrier services granted herein.

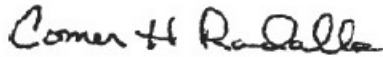
4. Prior to compliance with the requirements regarding the filing of certain information with the ORS and receipt of a Certificate, the motor carrier services authorized by this Order may not be provided.

5. Failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and the payment of license fees and such other information required by law within ninety (90) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, this Order granting the Application shall be deemed null and void, and the Application herein shall be dismissed without prejudice. In this event, no further order of this Commission is necessary.


6. Pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014), the ORS is requested to furnish the name and docket numbers of the Applicant to the Commission, should the Applicant fail to meet the requirements of the present Order. After such notification, the Docket shall be closed.

7. That this Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Comer H. "Randy" Randall, Chairman

ATTEST:


Jocelyn Boyd, Chief Clerk/Administrator